

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13633 of S, M & M General Partnership, as amended, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the basement, first, second and third floors of the subject premises as a Chancery in an SP-1 District at the premises 2021 Massachusetts Avenue, N.W., (Square 94, Lot 23).

HEARING DATES: January 27, March 17, and April 7, 1982  
DECISION DATE: April 7, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The application was initially scheduled for the public hearing of January 27, 1982. The applicant requested a continuance so that it could meet further with the Advisory Neighborhood Commission and the Dupont Circle Citizens Association who were opposed to the application. The Board continued the case to March 17, 1982.

2. At the public hearing on March 17, 1982, the Board heard the applicant's and opposition's case and continued the hearing to April 7, 1982, solely to permit the Office of Planning and Development, the Department of State, and the National Capital Planning Commission the opportunity to testify on the application and for the representatives of these agencies to be cross-examined.

3. The application, as advertised, requested variance relief from the floor area ratio requirements of the SP-1 District. The applicant subsequently determined that the building meets the F.A.R. requirements for office use in the SP-1 District. The applicant requested permission to withdraw the request for variance relief. The Board granted the request. The applicant now seeks solely the special exception relief to permit the office use.

4. Subsequent to the public advertisement of the application the owner procured a tenant for the subject property. The proposed use is as chancery office space for the Office of the Economic Minister for the Greek Embassy.

5. The subject property is located on the north side of Massachusetts Avenue between 20th and 21st Streets in an SP-1 District at premises known as 2021 Massachusetts Avenue, N.W.

6. The subject site contains approximately 1,649 square feet of lot area. The building was previously used as a residence and has been unoccupied since December, 1980. All floors of the subject building, approximately 4,100 square feet of gross floor area, less than 2.5 FAR, will be devoted to the proposed chancery use. The property comprises a through lot improved with a three story plus basement structure facing Massachusetts Avenue and its rear facing O Street. The structure was built about 1900 and is located within the Dupont Circle Historic District.

7. The staff of the Office of the Economic Minister, which consists of seven employees, will be housed at the subject location. These employees are presently located at 2211 Massachusetts Avenue, adjacent to the Greek Embassy at 2221 Massachusetts Avenue, N.W.

8. Any diplomatic receptions or banquets will continue to be at the present Embassy location.

9. The proposed hours of operation for the chancery are from 8:00 A.M. to 6:00 P.M., Monday through Friday.

10. The proposed use does not increase the number of employees coming to the area, but rather relocates seven of the existing chancery employees. Two on-site parking spaces are provided and there is an existing parking lot which serves the chancery at 2211 Massachusetts Avenue, N.W. for the use of the employees who drive to work.

11. The applicant's traffic and transportation consultant testified that the site is less than one block from the Dupont Circle Metrorail stop and the area is well served by public transportation as well as by public parking facilities. The consultant further testified that there would be no adverse parking or traffic impact from the proposed use. The Board concurs.

12. The subject neighborhood is surrounded by a variety of uses concluding office, chanceries and hotels. The subject square contains an embassy, a hotel and some residential type buildings which have been converted to office use.

13. Except for restoration work to return the building to its original historic character, there will be no exterior changes to the building.

14. The Office of Planning and Development, by report dated April 2, 1982, recommended that the application be approved. The OPD reported that the property is located in an area which contains a variety of uses including chanceries. The proposed chancery facility at the subject premises is not likely to create dangerous or other

objectionable traffic conditions. No exterior alterations to the building are proposed so that the use, height, bulk and design of the building will continue to remain in harmony with the existing character of the area. The Board concurs in the OPD findings and recommendation.

15. The Department of State by letter dated April 1, 1981, and by testimony at the public hearing advised that it supported the request of the Embassy to use the premises for the stated use. The Department of State had been informed that the present location of the Office of the Economic Minister at 2211 Massachusetts Avenue, N.W. is no longer adequate to effectively serve the Embassy's needs. The proposed location, which is approximately two blocks from the Greek Chancery at 2221 Massachusetts Avenue, N.W. appeared to be a suitable solution to the Embassy's lack of space. Furthermore, the Department of State believed that the application complies with the comprehensive plan of the National Capital Planning Commission and is within the Zoning Regulations of the District of Columbia.

16. The National Capital Planning Commission, by report dated April 1, 1981 and by testimony at the hearing, advised the Board that the proposal to provide additional office space for the Greek Chancery at 2021 Massachusetts Avenue would be fully consistent with the Comprehensive Plan for the National Capital, specifically the Foreign Missions and International Agencies element and the Goal for Preservation and Historic Features contained in the Federal Goals for the National Capital element. The NCPC further concluded that the proposed use would not be adverse to the Federal Establishment or other Federal interests in the National Capital Region. The Board concurs with the findings and conclusions of the NCPC.

17. The Dupont Circle Citizens Association opposed the application on the general grounds that it opposed all office uses in an SP-1 District. The Dupont Circle Citizens Association prefers that the site be used for a residential purpose. The Dupont Circle Citizens Association further opposed the application on the grounds that parking for the site will be located in a square other than the subject square 94.

18. Advisory Neighborhood Commission 2B, by statement dated March 17, 1982, opposed the application on the following grounds: (a) the building has previously been used as a single family dwelling; (b) the applicant had not met its burden for the requested variance relief; and (c) parking is inadequate.

19. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. In

addressing itself to these issues and concerns the Board finds as follows:

(a) The applicant is not requesting a use variance and therefore does not have the burden of proving that the property cannot be used for residential purposes. The office of a chancery is permitted in the SP-1 District as a special exception, and the Board is required to find that the application meets the specific criteria of Paragraph 4101.44 and Subsection 8207.2.

(b) The applicant withdrew its request for the F.A.R. variance based on the fact that the building has a gross floor area within the permitted 2.5 F.A.R. for office use.

(c) The Board finds that the use will not create dangerous or other objectionable traffic conditions. Under the Zoning Regulations, no parking is required for the first 2,000 square feet of gross floor area, and one space for each 1,800 square feet of gross floor above 2,000 is required. For 4,100 square feet, only one off-street parking space is required and this is provided on-site. The site has excellent access to public transportation and there is additional parking available at 2211 Massachusetts Avenue for employees of the chancery. Finally, the proposed use is expected to generate minimal visitor traffic.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact, and the evidence of record, the Board concludes that the requested relief is for a special exception, the granting of which requires the applicant to prove that it has complied with the requirements of Sub-section 8207.2 and Paragraph 4101.44 of the Zoning Regulations. The Board concludes that the applicant has met the burden of proff. The proposed use meets the specifications of the Zoning Regulations. The use, height, bulk and design of the structure will be in harmony with the use, height, bulk and design of the block within which it is located. The low level usage of the structure will not create any dangerous or objectionable traffic conditions. The Board further concludes that the approval of the application will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to effect adversely the use of neighboring property in accordance with said regulations and map. The Board also concludes that it has given great weight to the issues and concerns of the Advisory Neighborhood Commission.

Accordingly, it is hereby ORDERED that this application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune, William F. McIntosh and Charles R. Norris to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: MAY 12 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.